THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 28043 of 1996

DATED: 17.02.2006

Between:

Yeratapally Janakirami Reddy.

... PETITIONER

AND

The Mandal Revenue officer.

... RESPONDENT

ORDER:

The petitioner is the owner of agricultural land in Survey No.3 of Momidi Village, Chillakur Mandal, Nellore District. The respondent herein issued notice, dated 16.12.1996, requiring the petitioner to remove an obstruction caused by him to an irrigation channel. It was stated that the channel was existing for the past 50 years, and on account of the alleged obstruction caused by the petitioner, the ayacutdars of the lands in Survey Nos. 2/1, 2/3,2/4 and 1/2 of that Village, are not receiving any water. The petitioner was required to remove the obstruction on or before 17.12.1996.

The learned counsel for the petitioner submits that at no point of time, the irrigation channel has crossed the land of the petitioner, and on account of certain industrial disputes, the neighbouring land owners have opposed the respondent, and the latter, in turn, issued the impugned notice, without causing any enquiry.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue. Though ten years have elapsed, the respondent has not filed any counter affidavit.

Through the impugned notice, the respondent, straight away, required the petitioner to remove an obstruction. He proceeded as though there existed an irrigation channel, passing through the land of the petitioner, and that the petitioner had obstructed the same. Before requiring the petitioner to remove the alleged obstruction, the respondent ought to have caused an enquiry and issued show cause notice to the petitioner, stating the relevant facts. Requiring the petitioner, straight away, to remove an obstruction would be contrary to the principles of nature justice. While admitting the Writ Petition, this Court ordered maintenance of *status quo*. Further, ten years have elapsed, and it is not known as to whether the same state of affairs exist now.

For the foregoing reasons, the Writ Petition is disposed of, directing that in case, the respondent is of the view that the petitioner is still causing any obstruction to any government irrigation channel, it shall be open to him to issue a show cause notice, furnishing the relevant particulars, to the petitioner, requiring him to submit his explanation. The further action will depend upon the nature of explanation to be submitted by the petitioner. There shall be no order as to costs.

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17.02.2006

Jsu